



# California Regional Water Quality Control Board

## San Diego Region



Terry Tamminen  
Secretary for  
Environmental  
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.swrcb.ca.gov/rwqcb9>

Arnold Schwarzenegger

October 8, 2004

CERTIFIED - REGISTERED MAIL  
7003 2260 0003 5262 6644

Mr. Donald Weaver  
Power Plant Manager  
Duke Energy South Bay, LLC  
990 Bay Blvd.  
Chula Vista, CA 91911

in reply refer to:  
IC: 13-0091.01

Dear Mr. Weaver:

SUBJECT: REVISED TENTATIVE NPDES RENEWAL PERMIT FOR DUKE ENERGY  
SOUTH BAY, LLC, SOUTH BAY POWER PLANT, TENTATIVE ORDER  
NO. R9-2004-0154, NPDES PERMIT NO. CA0001368.

Enclosed for your review is a copy of tentative Order No. R9-2004-0154, NPDES Permit No. CA0001368, *Waste Discharge Requirements for Duke Energy South Bay, LLC (Duke Energy), South Bay Power Plant, San Diego County*, tentative Monitoring and Reporting Program (MRP) No. R9-2004-0154, and the Fact Sheet for tentative Order No. R9-2004-0154. The tentative Order renews the NPDES permit for the South Bay Power Plant (SBPP) for another five years.

The tentative Order is also available on our website at [www.swrcb.ca.gov/rwqcb9](http://www.swrcb.ca.gov/rwqcb9).

The initial version of tentative Order No. R9-2004-0154 was made available for public comment on June 25, 2004. During its regularly scheduled meeting on September 8, 2004, the Regional Board heard oral public testimony regarding the initial version of tentative Order No. R9-2004-0154. The tentative Order was not considered for adoption by the Regional Board because a Response to Comments was not complete due to the large volume of written comments received on the tentative Order. During the meeting the Regional Board directed staff to make additional modifications to tentative Order No. R9-2004-054 and bring the tentative Order back for the Regional Board's consideration at its November 10, 2004 meeting.

The modifications recommended by the Regional Board included reducing the time needed for SBPP to comply with the NPDES regulations related to appropriate point of discharge (requiring enforcement of all effluent limitations, including thermal limitations, at the SBPP property line) and the Clean Water Act (CWA) *Section 316(b) Phase II* rule. The Regional Board also concluded that it would be appropriate to provide Duke Energy additional time to comply with its new copper discharge limitations pursuant to the *California Toxics Rule* and *State Implementation Policy*. The Regional Board recommended that the tentative Order be modified to include specific findings that acknowledge the degradation of biotic communities residing in the SBPP discharge channel due to SBPP's discharge and the need for the discharger to take restoration measures. The Regional Board also directed its staff to remove requirements for a Special Sunset Study from the tentative Order.

**California Environmental Protection Agency**

October 8, 2004

~~Tentative Order No. R9-2004-0154~~ has been revised to incorporate the recommendations made by the Regional Board at its September 8, 2004 meeting. Furthermore, Order No. R9-2004-0154 has also been updated to address, where appropriate, oral and written comments received by the public and resource agencies on the initial version of the tentative Order. For your convenience, the sections in the tentative Order, Fact Sheet, and MRP, that have been revised or added, have been shaded.

Regional Board staff intends to bring revised tentative Order No. R9-2004-0154 before the Regional Board for its consideration at its November 10, 2004 meeting. This meeting is open to the public and will begin at 9:00 a.m. at the Regional Board Meeting Room, 9174 Sky Park Court, Suite 100, San Diego, California.

Please review and provide written comments on the revised tentative Order at your earliest convenience. Please focus your comments on the sections of the revised tentative Order that have been modified with respect to the initial version of the tentative Order. Written comments should be received in the Regional Board office by October 27, 2004 to be considered and responded to by the Regional Board. Written comments received after 5:00 p.m. on November 3, 2004 will not be provided to the Regional Board members prior to the hearing. Oral comments will be received by the Regional Board during the November 10, 2004 hearing.

Please address all correspondence to:

Mr. John Robertus, Executive Officer  
Attn: Industrial Compliance Unit  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Please direct comments and questions to Mr. Hashim Navrozali at (858) 467-2981 or via e-mail to [navrh@rb9.swrcb.ca.gov](mailto:navrh@rb9.swrcb.ca.gov)

Sincerely,



JOHN H. ROBERTUS  
Executive Officer

Enclosures

cc: Interested Parties Distribution List  
File: 13-0091.02

JHR:mpm:jrp:hn